

State of South Dakota

EIGHTIETH SESSION
LEGISLATIVE ASSEMBLY, 2005

327L0562

CONFERENCE COMMITTEE ENGROSSED NO. **SB** **214** - 03/04/2005

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: Senators Peterson (Jim), Bartling, Duenwald, Greenfield, Hansen (Tom), Hanson (Gary), Hundstad, Kloucek, Koetzle, Moore, Nesselhuf, Smidt, and Sutton (Dan) and Representatives Dykstra, Boomgarden, Brunner, Davis, Deadrick, Dennert, Frost, Fryslie, Garnos, Gassman, Gillespie, Glover, Hackl, Halverson, Hargens, Hunhoff, Jensen, Klaudt, Koistinen, Kroger, Lange, Nelson, Novstrup, O'Brien, Olson (Ryan), Pederson (Gordon), Peters, Putnam, Rausch, Rave, Rhoden, Rounds, Schafer, Sebert, Sigdestad, Street, Tidemann, and Vehle

1 FOR AN ACT ENTITLED, An Act to provide tax refunds for certain soybean and biodiesel
2 facilities.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-45B-1 be amended to read as follows:

5 10-45B-1. Terms used in this chapter mean:

6 (1) "Department," the Department of Revenue and Regulation;

7 (2) "New agricultural processing facility," a new building or structure, the construction
8 of which is subject to contractors' excise tax pursuant to chapter 10-46A or 10-46B.

9 A new agricultural processing facility is any new building or structure constructed
10 for the initial or subsequent processing of any form of agricultural commodity,
11 product, or by-product. A new agricultural processing facility does not include any



1 building or structure constructed for raising or feeding of livestock or the expansion
2 of an existing agricultural processing facility except as provided in section 2 of this
3 Act;

4 (3) "Person," any individual, firm, copartnership, joint venture, association, limited
5 liability company, corporation, estate, trust, business trust, receiver, or any group or
6 combination acting as a unit;

7 (4) "Project," the construction of a new agricultural processing facility at a single site;

8 (5) "Project cost," the amount paid in money, credits, property, or other money's worth
9 for a project;

10 (6) "Secretary," the secretary of the Department of Revenue and Regulation.

11 Section 2. That chapter 10-45B be amended by adding thereto a NEW SECTION to read as
12 follows:

13 For purposes of this chapter, a new agricultural processing facility as defined in § 10-45B-1
14 includes an expansion to an existing soybean processing facility if the expansion will be used
15 for the production of biodiesel.